

HOUSE BILL 613

Unofficial Copy
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HB 831/01 - JUD

2002 Regular Session
2lr0761

By: **Delegates Marriott, Benson, Dobson, Howard, V. Jones, Kirk, Oaks,
Paige, Phillips, and Valderrama**

Introduced and read first time: February 4, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sentencing Court - Revisory Power and Control Over**
3 **Criminal Sentence**

4 FOR the purpose of specifying that a sentencing court has continued revisory power
5 and control over a criminal sentence in certain circumstances; prohibiting the
6 sentencing court from increasing a criminal sentence after the announcement of
7 the sentence; providing an exception to the prohibition; and generally relating to
8 the revisory power and control of a sentencing court over a criminal sentence.

9 BY adding to
10 Article - Criminal Procedure
11 Section 6-229
12 Annotated Code of Maryland
13 (2001 Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Criminal Procedure**

17 6-229.

18 (A) THE SENTENCING COURT HAS CONTINUING REVISORY POWER AND
19 CONTROL OVER A CRIMINAL SENTENCE IN A CASE IN WHICH THE SENTENCE
20 IMPOSED IS 10 YEARS OR GREATER AND CHANGES THAT MAY HAVE AFFECTED THE
21 ORIGINAL SENTENCE HAVE OCCURRED IN:

- 22 (1) CONFINEMENT POLICY;
23 (2) PAROLE STATUS;
24 (3) EXECUTIVE DECISIONS; OR
25 (4) STATUTORY PENALTIES.

1 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
2 SENTENCING COURT MAY NOT INCREASE A CRIMINAL SENTENCE AFTER THE
3 SENTENCE HAS BEEN IMPOSED.

4 (2) THE SENTENCING COURT MAY CORRECT AN EVIDENT MISTAKE IN A
5 CRIMINAL SENTENCE AFTER THE ANNOUNCEMENT OF THE SENTENCE IF THE
6 CORRECTION IS MADE ON THE RECORD BEFORE THE DEFENDANT LEAVES THE
7 COURTROOM FOLLOWING THE SENTENCING PROCEEDING.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2002.